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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,907	01/15/2002	Maurice Remericq	1418-98	2694

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EXAMINER
BRAHAN, THOMAS J

ART UNIT	PAPER NUMBER
3652	

DATE MAILED: 02/18/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/047,907	REMERICQ, MAURICE
	Examiner	Art Unit
	Thomas J. Brahan	3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 December 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

2. Claims 19-36 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 19, line 5, recites that the method includes pressing sets of flat products against one another. This is inaccurate as the disclosed method presses the members of one set against one another, it does not press one set against another set.

b. The last line of claim 23 refers to "a rate of input" and "a rate of output". As these rates of input and of output appear to be the same as the input rate of line 8 of the claim, and the output rate of line 13 of the claim, it appears as though the last line should recite "said rate of input or said rate of output". As written, the claim is referring to additional, different input and output rates.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 19 and 20, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Holler. Holler shows a process for on-line storage of flat products (b) in which the products are transported between an input station (at 8) and an output station (at 10), the process comprising:

introducing the sets of flat products at a given arrival rate at the input station within a presser (pressing plates 4), the presser being movable with the sets, the presser having an open configuration;

pressing a set of flat products against one another by causing the presser to change over from the open configuration to a holding configuration;

directing the sets of flat products towards the output station; and

ejecting the sets of flat products at the output station at a given output rate, the output rate being a function of an input rate at the input station to manage an accumulation of sets of flat products between the input station and the output station.

The presser travels in a loop as it moves, as recited in claim 20.

6. Claims 19, 20 and 23-25, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Louis et al. Louis et al shows a process for on-line storage of flat products (2) in which the products are transported between an input station (at the left side of figure 1) and an output station (at the right side of figure 1), the process comprising:

introducing the sets of flat products at a given arrival rate at the input station within a presser (one carriage 4, its counterpart carriage 6, or the two taken together), the presser being movable with the sets, the presser having an open configuration;

pressing a set of flat products against one another by causing the presser to change over from the open configuration to a holding configuration;

directing the sets of flat products towards the output station; and

ejecting the sets of flat products at the output station at a given output rate, the output rate being a function of an input rate at the input station (a one to one function) to manage an accumulation of sets of flat products between the input station and the output station.

The presser travels in a loop as it moves, as recited in claim 20. The device of Louis et al has means (chains 7 and 8) for conveying the sets between the input and the output stations, pressing means (4 and/or 6), means for causing the pressing means to changeover to a holding configuration (the inclined portions at the left of guides 12 and 13 at the input station), means for ejecting the sets (conveyor 37), and means for generating an accumulation of sets between the input and output stations (the flat central portions of guides 12 and 13), as recited in claim 23. The means for conveying moves in a loop, and the device includes means for causing the pressing means to change over to the open configuration (the curved ends of guides 12 and 13 at the output station), as recited in claims 24 and 25.

7. Claims 23-26, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Troutner et al. Troutner et al shows a device for sets of flat products comprising:

an input station (Figure 1A);

an output station (Figure 1B,:

means (38) for conveying the sets between the input station and the output station;

a pressing means (104) for moving with the means for conveying, the pressing means moving from an open configuration permitting introduction of the sets into the means for conveying at a given input rate, to a holding configuration in which the flat products are pressed one against one another;

a means (114) for causing the pressing means to change over from the open configuration to the holding configuration, the means for causing provided at the input station;

a means (the out feed sprockets 64, 66 or the out feed conveyor, not shown, see column 7, lines 34-43) for ejecting the sets provided a the output station for ejecting the sets at a given output rate; and

a means (the working stretch between the input station and the output station) for generating an accumulation of the sets between the input station and the output station as a function of a rate of input or a rate of output.

The means for conveying moves along a looped path and the device has means (140) at the output station to open pressing plates (104), as recited in claims 24 and 25. Opposing platens (32a and 32b) form pods, as term pods lacks a specific structure, and as the platens function in a manner similar to applicant's pods, with the pressing means having spacing means (80/85), as recited in claim 26.

8. Claims 19-25, as best understood, are rejected under 35 U.S.C. 103(a) as unpatentable over Bahr in view of Holler. Figures 3-6 of Bahr show a process for on-line storage of sets of products (222) in which the products are transported between an input station (at 254) and an output station (at 256), the process comprising:

introducing the sets of products at a given arrival rate at the input station within a presser (a pair of moving paddles 230), the presser being movable with the sets, the presser having an open configuration;

pressing a set of products by causing the presser to change over from the open configuration to a holding configuration;

directing the sets of products towards the output station; and

ejecting the sets of products at the output station at a given output rate, the output rate being a function of an input rate at the input station (a one to one function) to manage an accumulation of sets of products between the input station and the output station.

Bahr varies from the claims as the sets of products are not in a stacked configuration as they enter the input station as to have the products pressed one against another. Holler shows a similar process with a stacking device (8) at the input station. It would have been obvious to one of ordinary skill in the art to modify the accumulating device of Bahr y providing the input station with a stacking device, for packing stacks of flat products, as taught by Holler. The pressers of Bahr travel in a loop as they move, as recited in claim 20. The sets travel in the loop with the loop being an adjustable length loop, as recited in claim 21. The holding configuration of the pressers is adapted for differing sizes, see column 6, lines 41-45, as recited in claim 22.

9. Claims 19 and 22, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over de Mets in view of Russell. De Mets shows the basic claimed process of pressing (and inherently storing) a stream of products with a presser which adapts to the height of the stream (by adjusting the pressure in cylinders 9). It varies from the claims by not processing sets of flat products. Russell shows a similar press which processes laminated products in sets. It would have been obvious to one of ordinary skill in the art to modify the process of

de Mets by using the continuous press to process sets of flat products, to form laminated products, as is another well known use of a continuous press, as to as taught by Russell.

10. Claims 27-36 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and if rewritten to overcome the rejections under 35 U.S.C. § 112.

11. Mudd, Spalding and Fellner et al are cited as showing related accumulators.

12. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication should be directed to Thomas J. Brahan at telephone number (703) 380-2568. The examiner's supervisor, Eileen Lillis, can be reached at (703) 308-3248. The new fax number for all patent applications is (703) 872-9306.

2/12/04

Thomas J. Brahan
Primary Examiner
Art Unit 3652